

# **भारत का राजपत्र** **The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II-खण्ड 3-उपखण्ड (I)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 58]

नई दिल्ली, शुक्रवार, अग्रेज 1, 1966/चैत्र 11, 1888

No. 58]

NEW DELHI, FRIDAY, APRIL 1, 1966/CHAITRA 11, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour and Employment)

NOTIFICATIONS

*New Delhi, the 1st April 1966*

**G.S.R. 490.**—In exercise of the powers conferred by section 3 read with section 7 of the Coal Mines Provident Fund and Bonus Scheme Act, 1948 (XLVI of 1948), the Central Government hereby makes the following Scheme further to amend the Andhra Pradesh Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 657, dated the 12th March, 1966, namely:—

1. This Scheme may be called the Andhra Pradesh Coal Mines Provident Fund (First Amendment) Scheme, 1966.

2. This Scheme shall come into force on the 1st April, 1966.

3. In paragraph 2 of the Andhra Pradesh Coal Mines Provident Fund Scheme hereinafter referred to as the Scheme,—

(i) in clause (c), for the words, figures, letters and brackets “paragraph 3 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India, in the Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948 (hereinafter called the “said notification”), the words, figures and letters “section 3-A of the Act” shall be substituted;

- (ii) in clause (e), for the words and figures "paragraph 23 of the Coal Mines Provident Fund Scheme published with the said notification", the words, figures, letter and brackets "sub-section (1) of section 3-C of the Act" shall be substituted;
- (iii) in clause (h), for the words "said notification and includes the Fund created under this Scheme", the words, figures, letters and brackets "notification of the Government of India in the Ministry of Labour No. PF-15(5)/48, dated the 11th December, 1948, (hereinafter called the "said notification") and includes the Fund created under this Scheme" shall be substituted;
- (iv) in clause (k),—

- (a) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that in the case of a member whose accumulations in the provident fund are transferred to the Fund under sub-section (1) or sub-section (3) of section 3-D of the Act, his period of membership of the Fund, shall be deemed to have commenced from the date of his employment in the coal mine or establishment, as the case may be, wherein he became a subscriber of the provident fund from which his accumulations are transferred to the Fund."

- (b) In the second proviso, after the words "in the coal mine", the words "or the establishment, as the case may be" shall be added.

4. In paragraph 3 of the Scheme, the words and figure "of Trustees constituted under paragraph 3 of the Coal Mines Provident Fund Scheme published with the said notification. The Board shall be deemed to have been constituted also under this Scheme." shall be omitted.

5. In paragraph 4 of the Scheme, for the words "exercise the same powers and discharge the same functions, as laid down in the said notification" the words, "in relation to this Scheme, exercise the same powers and discharge the same functions as are laid down in the Act and the said notification" shall be substituted.

6. For paragraph 5 of the Scheme the following paragraph shall be substituted, namely:—

"5. *Coal Mines Provident Fund Commissioner.*—Save as otherwise provided in this Scheme, the Commissioner appointed under sub-section (1) of section 3C of the Act shall exercise, in relation to this Scheme, the same powers and discharge the same functions as are laid down in the Act and the said notification."

7. For paragraph 9 of the Scheme the following paragraph shall be substituted, namely:—

"9. *Payment of contributions.*—The employer shall, in the first instance, pay both the contributions payable by himself (in this Scheme referred to as the employer's contribution) and also on behalf of the members employed by him directly, or by or through a contractor, the contribution payable by such members (in this Scheme referred to as the member's contribution) irrespective of whether he or the contractor has recovered the member's contribution from the wages or whether the contractor has made the payment to the employer under paragraph 11 or not".

8. For paragraphs 10 and 11 of the Scheme the following paragraphs shall be substituted, namely:—

"10. *Recovery of member's contribution.*—(1) The employer, while paying any wages to a member employed by him directly and a contractor while paying any wages to a member employed by or through him, shall recover therefrom the member's contribution for the period to which the wages relate.

(2) Any sum deducted under sub-paragraph (1) by an employer or by a contractor from the wages of a member shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

- (3) Where an employer or a contractor proves to the satisfaction of the Commissioner or such other officer subordinate to him as may be authorised by the Commissioner in this behalf, that he, for reasons beyond his control or because of any *bona fide* error on the part of his employees in charge of making recovery from members could not recover the member's contribution from the concerned member's wages for the period to which the contribution relates, the Commissioner or the officer subordinate to him, as the case may be, may, at his discretion, permit recovery of arrears of such contribution from subsequent wages of the members concerned in such number of instalments, as he may deem proper.
11. *Duties of contractors.*—(1) Any sum recovered or due to be recovered by a contractor under sub-paragraph (1) of paragraph 10 along with the employer's contribution thereon and the charges payable under sub-paragraph (2) of paragraph 13 for meeting the cost of administration of the Fund shall be paid by him to the employer within 3 days from the date on which the wages to which such contributions and charges relate become due for disbursement to the members under section 5 of the Payment of Wages Act, 1936.
- (2) The contractor required to make any recovery under sub-paragraph (1) of paragraph 10 shall record all recoveries to be made under that sub-paragraph and also the employer's contribution payable thereon, in the appropriate columns of the Register of Wages in form IIF appended to the Payment of Wages (Mines) Rules, 1956, framed under the Payment of Wages Act, 1936, relating to the wage period to which such recoveries and contributions relate and shall furnish a copy of the said form IIF to the employer within 3 days from the date on which disbursement of wages for that wage period becomes due under section 5 of the Payment of Wages Act, 1936. He shall also furnish to the employer such other documents and information as the employer may require of him for the purpose of submitting returns under this Scheme or generally for the purpose of implementing this Scheme."
9. For paragraph 12 of the Scheme the following paragraphs shall be substituted, namely:—
- "12. *Transfer of accumulations from provident funds of coal mines.*—(1) Where an employee who is a subscriber to any provident fund of the coal mine, in which he is employed, becomes a member of the Fund, he shall, if he has not withdrawn his accumulations in that provident fund before the first of April, 1966, apply in such form and in such manner as the Commissioner may specify, for transfer of his accumulations in the provident fund of the coal mine standing to his credit to the Fund.
- (2) The Commissioner or, where so authorised by him, any officer subordinate to him, shall, on receipt of an application under sub-paragraph (1), call upon the employer or the authority administering the provident fund of the coal mine, as the case may be, to transfer to the Fund the accumulations of the member under sub-section (1) of Section 3-D of the Act.
- (3) The employer or the authority called upon to transfer a member's accumulations under sub-paragraph (2) shall, within three months from being called upon, transfer to the Fund all contributions of the member and of the employer on his behalf paid or payable till the date of the member's joining the Fund or, till the date of his leaving service of the coal mine to which that provident fund relates, whichever is earlier, together with all accretions and interest upto the end of the month preceding the month in which the accumulations are transferred to the Fund.
- (4) Any amount required to be transferred to the Fund under sub-paragraph (3) shall be paid to the Fund by means of account payee cheques or bank drafts drawn in favour of the Coal Mines Provident Fund Account No. I or as the case may be, by transferring to the Board any Central Government securities in which accumulations of the provident fund may have been invested.

- (5) Where any payment under sub-paragraph (4) is made by an out-station cheque, the bank collection charge thereon shall be paid by the Fund out of its Reserve Account referred to in sub-paragraph (5) of paragraph 41.
  - (6) Where any payment under sub-paragraph (4) is made by transferring Central Government securities, such securities shall be acceptable by the Fund at their cost price, provided the cost price does not exceed the face value thereof and where the cost price exceeds the face value, the securities shall be accepted at their face value.
  - (7) The employer or the authority making any payment under sub-paragraph (3) shall, within fifteen days of the payment, submit a statement in such form and in such manner as the Commissioner may specify showing the amount of member's contribution, employer's contribution and interest transferred to the Fund for each member along with written acceptances of the concerned members confirming that the amount transferred has been accepted by them as correct.
  - (8) A receipt granted by the Commissioner or where so authorised by him, by any officer subordinate to him, for the accumulations transferred to the Fund shall be a sufficient discharge of the liability of the employer or the authority making the transfer under sub-paragraph (3) to the extent of the amount transferred and the members whose accumulations are transferred shall not be required to give any letter of discharge or receipt for such amounts.
  - (9) Any amount transferred to the Fund under sub-paragraph (3) for a member shall be credited to his account in the Fund and shall thereafter be treated as his accumulations in the Fund for all purposes of this Scheme.
  - (10) Any accumulations transferred under sub-paragraph (3) for a member shall be deemed to be his contributions for the currency period in which the amount is received in the Fund and such contributions shall, notwithstanding the provisions contained in paragraph 39 earn interest in the Fund from the beginning of the month immediately following the month in which the amount is received in the Fund.
- 12A. *Transfer of accumulation from provident funds of establishments other than coal mines.*—(1) Where an employee who is a subscriber to any provident fund of an establishment, not being a coal mine to which this Scheme applies, leaves his employment in that establishment and obtains re-employment in a coal mine and becomes a member of the Fund, he may, if he so desires, apply in such form and in such manner as the Commissioner may specify for the transfer of his accumulations in the provident fund of the establishment to the Fund.
- (2) On receipt of an application under sub-paragraph (1) the Commissioner or where so authorised by him, any other officer subordinate to him shall ascertain from the authority administering the provident fund to which the member was subscribing prior to his joining the Fund, whether the rules of the Provident Fund permit the desired transfer.
  - (3) Where the rules of the provident fund to which the member was subscribing before joining the Fund permit the desired transfer, the Commissioner or, where so authorised by him, any other officer subordinate to him shall call upon the authority administering that provident fund to transfer to the Fund the member's accumulations in that provident fund. Where an authority administering a provident fund has been called upon to transfer a member's accumulations under this sub-paragraph, the provisions contained in sub-paragraphs (3) to (10) of paragraph 12 shall apply in the same manner as if the provident fund from which accumulations are to be transferred was that of a coal mine.
- 12B. *Transfer of accumulations from the Fund to other provident funds.*—(1) Where a member of the Fund leaves his employment in a coal mine and obtains re-employment in any other establishment, not being a coal mine to which this Scheme applies and becomes a subscriber to any provident fund of that establishment he may, if he so desires, apply in such form and manner as the Commissioner may

specify for the transfer of his accumulations in the Fund to the provident fund of the establishment in which he is re-employed (hereinafter referred to as the new establishment).

- (2) On receipt of an application under sub-paragraph (1) the Commissioner, or, where so authorised by him, any officer subordinate to him shall ascertain from the authority administering the provident fund of the new establishment whether the rules of the provident fund of the new establishment permit acceptance of accumulations transferred from other provident funds.
- (3) Where the rules of the provident fund of the new establishment permit acceptance of the transferred accumulations, the Commissioner or, where so authorised by him, any officer subordinate to him, shall transfer the amount standing to the credit of the member in the Fund together with interest upto the end of the month preceding the month in which the transfer is effected, and shall send to the authority administering the provident fund of the new establishment a statement in such form as the Commissioner may specify showing the amount of member's contribution, employer's contribution and interest transferred.
- (4) The transfer of accumulations under sub-paragraph (3) shall be made by means of an account payee cheque in favour of the authority administering the provident fund to which the amount is transferred and in the event of any bank collection charges being demanded by the authority administering the provident fund of the new establishment, the same shall be paid out of the Reserve Account of the Fund referred to in sub-paragraph (5) of the paragraph 41.
- (5) The receipt granted by the authority administering the provident fund to which any amount is transferred under this paragraph shall be a sufficient discharge of the liability of the Fund to the member whose accumulations are transferred to the extent of the amount transferred."

12. Paragraph 50 of the Scheme shall be omitted.

[No. 2(480)/66-PF-I.]

**G.S.R. 491.**—In exercise of the powers conferred by section 3 read with section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948, the Central Government hereby makes the following Scheme further to amend the Rajasthan Coal Mines Provident Fund Scheme published with the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 32, dated the 11th February, 1958, namely:—

1. This Scheme may be called the Rajasthan Coal Mines Provident Fund (First Amendment) Scheme, 1966.

2. This Scheme shall come into force with effect from the 1st April, 1966.

3. In paragraph 2 of the Rajasthan Coal Mines Provident Fund Scheme (hereinafter referred to as the Scheme),—

- (i) in clause (c), for the words, figures, letters and brackets "paragraph 3 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India, in the late Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948 (hereinafter called the "said notification")", the words, figure, and letter "section 3-A of the Act" shall be substituted; (ii) in clause (e), for the words and figures "paragraph 23 of the Coal Mines Provident Fund Scheme published with the said notification" the words, figures, letters and brackets "sub-section (1) of section 3-C of the Act" shall be substituted; (iii) in clause (h), for the words "said notification and includes the Fund created under this Scheme", the words, figures, letters and brackets "notification of the Government of India in the Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948 (hereinafter called the "said notification")", and includes the Fund created under this Scheme" shall be substituted;



(iv) in clause (k),—for the proviso the following proviso shall be substituted, namely:—

“Provided that in the case of a member whose accumulations in the provident fund are transferred to the Fund under sub-section (1) or sub-section (3) of section 3-D of the Act, his period of membership of the Fund shall be deemed to have commenced from the date of his employment in the coal mine or establishment, as the case may be, wherein he became a subscriber of the provident fund from which his accumulations are transferred to the Fund;

Provided further that in any case where the date on which a member was employed cannot be ascertained, the first day of the period or quarter in which he qualified for membership of the former provident fund or this Fund, as the case may be, shall be deemed to be the date on which he was employed in the coal mine or establishment, as the case may be.

4. In paragraph 3 of the Scheme, the words and figure “of Trustees constituted under paragraph 3 of the Coal Mines Provident Fund Scheme published with the said notification. The Board shall be deemed to have been constituted also under this Scheme” shall be omitted.

5. In paragraph 4 of the Scheme, for the words “exercise the same powers and discharge the same functions, as laid down in the said notification” the words—“in relation to this Scheme exercise the same powers and discharge the same functions as are laid down in the Act and the said notification” shall be substituted.

6. For paragraph 5 of the Scheme the following paragraph shall be substituted, namely:—

“5. *Coal Mines Provident Fund Commissioner.*—Save as otherwise provided in this Scheme, the Commissioner appointed under sub-section (1) of section 3-C of the Act, shall exercise, in relation to this Scheme, the same powers and discharge the same functions as are laid down in the Act and the said notification.”

7. For paragraph 9 of the Scheme, the following paragraph shall be substituted, namely:—

“9. *Payment of contributions.*—The employer shall, in the first instance, pay both the contributions payable by himself (in this Scheme referred to as the employer’s contribution) and also on behalf of the members employed by him directly or by or through a contractor, the contributions payable by such members (in this Scheme referred to as the member’s contribution) irrespective of whether he or the contractor has recovered the member’s contribution from his wages or whether the contractor has made the payment to the employer under paragraph 11 or not”.

8. For paragraphs 10 and 11 of the Scheme the following paragraphs shall be substituted, namely:—

“10. *Recovery of member’s contribution.*—(1) The employer, while paying any wages to a member employed by him directly and a contractor while paying any wages to a member employed by or through him, shall recover therefrom the member’s contribution for the period to which the wages relate.

(2) Any sum deducted under sub-paragraph (1) by an employer or by a contractor from the wages of a member shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

(3) Where an employer or a contractor proves to the satisfaction of the Commissioner or such other officer subordinate to him as may be authorised by the Commissioner in this behalf, that he, for reasons beyond his control or because of any *bonafide* error on the part of his employees in charge of making recovery from members could not recover the member’s contribution from the concerned member’s wages for the period to which the contribution relates, the Commissioner or the officer subordinate to him, as the case may be, may, at his discretion, permit recovery of arrears of such contribution from

subsequent wages of the members concerned in such number of instalments, as he may deem proper.

11. *Duties of contractors.*—(1) Any sum recovered or due to be recovered by a contractor under sub-paragraph (1) of paragraph 10 along with the employer's contribution thereon and the charges payable under sub-paragraph (2) of paragraph 12 for meeting the cost of administration of the Fund shall be paid by him to the employer within 3 days from the date on which the wages to which such contributions and charges relate become due for disbursement to the members under section 5 of the Payment of Wages Act, 1936.
- (2) The contractor required to make any recovery under sub-paragraph (1) of paragraph 10 shall record all recoveries to be made under that sub-paragraph and also the employer's contribution payable thereon, in the appropriate columns of the Register of Wages in form III appended to the Payment of Wages (Mines) Rules, 1956, framed under the Payment of Wages Act, 1936, relating to the wage period to which such recoveries and contributions relate and shall furnish a copy of the said form III to the employer within 3 days from the date on which disbursement of wages for that wage period becomes due under section 5 of the Payment of Wages Act, 1936. He shall also furnish to the employer such other documents and information as the employer may require of him for the purpose of submitting returns under this Scheme or generally for the purpose of implementing this Scheme.
- 11A. *Transfer of accumulations from provident funds of coal mines.*—(1) Where an employee who is a subscriber to any provident fund of a coal mine, becomes a member of the Fund, he shall, if he has not withdrawn his accumulations in that provident fund before the first April, 1966, apply in such form and in such manner as the Commissioner may specify, for transfer of his accumulations in the provident fund of the coal mine standing to his credit to the Fund.
- (2) The Commissioner or, where so authorised by him, any officer subordinate to him, shall, on receipt of an application under sub-paragraph (1), call upon the employer or the authority administering the provident fund of the coal mine, as the case may be, to transfer to the Fund the accumulations of the member under sub-section (1) of section 3-D of the Act.
- (3) The employer or the authority called upon to transfer a member's accumulations under sub-paragraph (2) shall, within three months from being called upon, transfer to the Fund all contributions of the member and of the employer on his behalf paid or payable till the date of the member's joining the Fund or, till the date of his leaving service of the coal mine to which that provident fund relates, whichever is earlier, together with all accretions and interest upto the end of the month preceding the month in which the accumulations are transferred to the Fund.
- (4) Any amount required to be transferred to the fund under sub-paragraph (3) shall be paid to the Fund by means of account payee cheques of bank drafts drawn in favour of the Coal Mines Provident Fund Account No. 1 or as the case may be, by transferring to the Board any Central Government securities in which accumulations of the provident fund may have been invested.
- (5) Where any payment under sub-paragraph (4) is made by an out-station cheque, the bank collection charge thereon shall be paid by the Fund out of its Reserve Account referred to in sub-paragraph (6) of paragraph 40.
- (6) Where any payment under sub-paragraph (4) is made by transferring Central Government securities, such securities shall be acceptable by the Fund at their cost price, provided the cost price does not exceed the face value thereof and where the cost price exceeds the face value, the securities shall be accepted at their face value.
- (7) The employer or the authority making any payment under sub-paragraph (3) shall, within fifteen days of the payment, submit a statement in such form and in such manner as the Commissioner may specify

showing the amount of member's contribution, employer's contribution and interest transferred to the Fund for each member along with written acceptances of the concerned members confirming that the amount transferred has been accepted by them as correct.

- (8) A receipt granted by the Commissioner or where so authorised by him, by any officer subordinate to him, for the accumulations transferred to the Fund shall be a sufficient discharge of the liability of the employer or the authority making the transfer under sub-paragraph (3) to the extent of the amount transferred and the members whose accumulations are transferred shall not be required to give any letter of discharge or receipt for such amounts.
- (9) Any amount transferred to the Fund under sub-paragraph (3) for a member shall be credited to his account in the Fund and shall thereafter be treated as his accumulations in the Fund for all purposes of this Scheme.
- (10) Any accumulations transferred under sub-paragraph (3) for a member shall be deemed to be his contributions for the currency period in which the amount is received in the Fund and such contributions shall, notwithstanding the provisions contained in paragraph 38, earn interest in the Fund from the beginning of the month immediately following the month in which the amount is received in the Fund.
- 11B. *Transfer of accumulations from provident Funds of establishments other than coal mines.*—(1) Where an employee who is a subscriber to any provident fund of an establishment, not being a coal mine to which this Scheme applies, leaves his employment in that establishment and obtains re-employment in a coal mine and becomes a member of the Fund, he may, if he so desires, apply in such form and in such manner as the Commissioner may specify, for the transfer of his accumulations in the provident fund of the establishment to the Fund.
- (2) On receipt of an application under sub-paragraph (1), the Commissioner or, where so authorised by him, any other officer subordinate to him shall ascertain from the authority administering the provident fund to which the members was subscribing prior to his joining the Fund, whether the rules of that provident fund permit the desired transfer.
- (3) Where the rules of the provident fund to which the member was subscribing before joining the Fund permit the desired transfer, the Commissioner or, where so authorised by him, any other officer subordinate to him shall call upon the authority administering that provident fund to transfer to the Fund the member's accumulations in that provident fund. Where an authority administering a provident fund has been called upon to transfer a member's accumulations under this sub-paragraph, the provisions contained in sub-paragraphs (3) to (10) of paragraph 11A shall apply in the same manner as if the provident fund from which accumulations are to be transferred was that of a coal mine.
- 11C. *Transfer of accumulations from the Fund to other provident Funds.*—(1) Where a member of the Fund leaves his employment in a coal mine and obtains re-employment in any other establishment, not being a coal mine to which this Scheme applies and becomes a subscriber to any provident fund of that establishment, he may, if he so desires, apply in such form and manner as the Commissioner may specify for the transfer of his accumulations in the Fund to the provident fund of the establishment in which he is re-employed (hereinafter referred to as the new establishment).
- (2) On receipt of an application under sub-paragraph (1), the Commissioner or where so authorised by him, any officer subordinate to him shall ascertain from the authority administering the provident fund of the new establishment whether the rules of the provident fund of the new establishment permit acceptance of accumulations transferred from other provident funds.
- (3) Where the rules of the provident fund of the new establishment permit acceptance of the transferred accumulations, the Commissioner or, where so authorised by him, any officer subordinate to him, shall



transfer the amount standing to the credit of the member in the Fund together with interest upto the end of the month preceding the month in which the transfer is effected, and shall send to the authority administering the provident fund of the new establishment a statement in such form as the Commissioner may specify showing the amount of member's contribution employer's contribution and interest transferred.

(4) The transfer of accumulations under sub-paragraph (3), shall be made by means of an account payee cheque in favour of the authority administering the provident fund to which the amount is transferred and in the event of any bank collection charges being demanded by the authority administering the provident fund of the new establishment, the same shall be paid out of the Reserve Account of the Fund referred to in sub-paragraph (6) of the paragraph 40.

(5) The receipt granted by the authority administering the provident fund to which any amount is transferred under this paragraph shall be a sufficient discharge of the liability of the Fund to the member whose accumulations are transferred to the extent of the amount transferred."

9. Paragraph 49 of the Scheme shall be omitted.

[No. 2(480)/60-PF.I.]

**G.S.R. 492.**—In exercise of the powers conferred by section 3 read with section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948, the Central Government hereby makes the following Scheme further to amend the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the late Ministry of Labour No. PF-15(5)/48, dated the 11th December, 1948, namely:—

1. This Scheme may be called the Coal Mines Provident Fund (First Amendment) Scheme, 1966.

2. It shall come into force on the 1st April, 1966.

3. In paragraph 2 of the Coal Mines Provident Fund Scheme (hereinafter referred to as the Scheme),—

- (i) in clause (c), for the words and figures "paragraph 3 of this Scheme", the words and figure "section 3-A of the Act," shall be substituted;
- (ii) in clause (e), for the words and figures "paragraph 23 of this Scheme" the words, figures and brackets "sub-section (1) of section 3-C of the Act" shall be substituted;
- (iii) in clause (k), in the proviso, between the words "Provided" and "that" the word "further" shall be inserted and before this proviso the following new proviso shall be inserted, namely:—

"Provided that in the case of a member whose accumulations in the provident fund are transferred to the Fund under sub-section (1) or sub-section (3) of section 3D of the Act, his period of membership of the Fund shall be deemed to have commenced from the date of his employment in the coal mine or establishment, as the case may be, wherein he became a subscriber of the provident fund from which his accumulations are transferred to the Fund."

4. Paragraph 3 of the Scheme shall be omitted.

5. In paragraph 4 of the Scheme,—

(i) in sub-paragraph (1),—

- (a) for the words, brackets, figures and letters "other than those referred to in clauses (a) and (b) of sub-paragraph (1) of paragraph 3", the words, brackets, figures and letters, "other than those referred to in clauses (a), (b), (c) and (d) of sub-section (1) of section 3A of the Act" shall be substituted;
- (b) for the word "nomination", wherever occurring, the word 'appointment' shall be substituted;

(ii) in sub-paragraph (2), for the words, brackets, figures and letters "clauses (a) and (b) of sub-paragraph (1) of paragraph 3", the words, brackets, figures and letters "clauses (a), (c) and (d) of sub-section (1) of section 3-A of the Act" shall be substituted;

(iii) after sub-paragraph (2), the following new sub-paragraph shall be added, namely:—

"(2A) Where the Central Government directs that a trustee appointed under clause (d) of sub-section (1) of section 3-A of the Act to represent any State Government shall cease to be a trustee, the State Government concerned shall be consulted."

(iv) in sub-paragraph (3), for the word "renomination", the word "re-appointment", shall be substituted.

6. In paragraph 5 of the Scheme, after the words "A trustee", the words, brackets, figures and letters "other than that referred to in clause (b) of sub-section (1) of section 3-A of the Act", shall be substituted.

7. In sub-paragraph (2) of paragraph 8-A of the Scheme, for the words and figure "under paragraph 3", the words, figure and letter "under section 3-A of the Act", shall be substituted.

8. For paragraph 9 of the Scheme, the following paragraph shall be substituted, namely:—

"9. *Filling of vacancies.*—(1) A casual vacancy in the office of trustee shall be filled up by the Central Government by notification in the official Gazette, as soon after the occurrence of the vacancy as possible, after consultation with the State Government or the organisations of employers or employees, as the case may be, which was being represented by the trustee whose office is to be filled up.

(2) A trustee appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of his predecessor."

9. After paragraph 10 of the Scheme, the following new paragraph shall be inserted namely:—

"10A. *Constitution of committees.*—(1) The Board may constitute committees consisting of such number of trustees as the Board may consider necessary in each case, to assist it in the discharge of its functions and shall lay down the terms of reference of such committees, the quorum thereof and the venue where such committees should meet.

(2) The provisions of paragraph 21 shall *mutatis mutandis* apply for the payment of fees and allowances to the members of the committees constituted under sub-paragraph 11 for attending meetings thereof."

10. The existing paragraph 11 of the Scheme shall be re-numbered as sub-paragraph (1) thereof and after sub-paragraph (1) as so re-numbered, the following new sub-paragraph shall be added, namely:—

"(2) All orders and decisions of any committee set up by the Board under paragraph 10A shall be authenticated by the Commissioner."

11. For paragraph 12 of the Scheme the following paragraph shall be substituted, namely:—

"12. *Delegation of powers.*—The Commissioner may delegate, from time to time, the powers vested in him under this Scheme to any Officer under his control to the extent considered suitable by him for the administration of the Scheme."

12. In paragraph 16 of the Scheme the words, brackets, and figures "save as provided in sub-paragraphs (2) and (3) of paragraph 3" shall be omitted.

13. In sub-paragraph (1) of paragraph 17 of the Scheme, for the words, brackets and figures "nominated under clause (c) and at least two nominated under clause (d) of sub-paragraph (1) of paragraph 3" the words, brackets, figures and letters, "appointed under clause (e) and at least two appointed under clause (f) of sub-section (1) of section 3-A of the Act" shall be substituted.

14. In paragraph 20 of the Scheme, for the word "nomination", the word "appointment" shall be substituted.

15. Paragraph 22 of the Scheme shall be omitted.

16. In paragraph 23 of the Scheme,—

(i) sub-paragraphs (1) and (4) shall be omitted; and

(ii) in sub-paragraph (6), for the words "this paragraph" the words, figures and brackets "sub-section (1) of section 3-C of the Act" shall be substituted.

17. For paragraph 24 of the Scheme, the following paragraph shall be substituted, namely:—

"24. *Opening of Regional and other offices.*—The Board may, with the approval of the Central Government, open such regional and local offices as it may consider necessary for the proper implementation of the Scheme framed under section 3 of the Act. It may also define and vary from time to time the functions, duties and jurisdiction of the regional and local offices."

18. For paragraphs 28, 29 and 30 of the Scheme, the following paragraphs shall be substituted, namely:—

"28 *Payment of contributions.*—The employer shall, in the first instance, pay both the contributions payable by himself (in this Scheme referred to as the employer's contribution) and also on behalf of the members employed by him directly or by or through a contractor, the contribution payable by such members (in this Scheme referred to as the member's contribution) irrespective of whether he or the contractor has recovered the member's contribution from their wages or whether the contractor has made the payment to the employer under paragraph 30 or not.

29. *Recovery of member's contribution.*—(1) The employer, while paying any wages to a member employed by him directly and a contractor while paying any wages to a member employed by or through him, shall recover, therefrom, the member's contribution for the period to which the wages relate.

(2) Any sum deducted under sub-paragraph (1) by an employer or by a contractor from the wages of a member shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

(3) Where an employer or a contractor proves to the satisfaction of the Commissioner that he, for reasons beyond his control or because of any bonafide error on the part of his employees in charge of making recovery from members, could not recover the members' contribution from 'the concerned members' wages for the period to which the contribution relates, the Commissioner may, at his discretion, permit recovery of arrears of such contribution from subsequent wages of the members concerned, in such number of instalments as he may deem proper.

30. *Duties of contractors.*—(1) Any sum recovered or due to be recovered by a contractor under sub-paragraph (1) of paragraph 29 along with the employer's contribution thereon and the charges payable under sub-paragraph (2) of paragraph 33A for meeting the cost of administration of the Fund shall be paid by him to the employer within three days from the date on which the wages to which such contributions and charges relate become due for disbursement to the members under section 5 of the Payment of Wages Act, 1936.

(2) The contractor required to make any recovery under sub-paragraph (1) of paragraph 29 shall record all recoveries to be made under that sub-paragraph and also the employers' contribution payable thereon, in the appropriate columns of the register of wages in form III appended to the Payment of Wages (Mines) Rules, 1956, framed under Payment of Wages Act, 1936, relating to the wage period to which such recoveries and contributions relate and shall furnish a copy of the said form III to the employer within three days from the date

on which disbursement of wages for that wage period becomes due under section 5 of the Payment of Wages Act, 1936. He shall also furnish, to the employer such other documents and information as the employer may require of him for the purpose of submitting returns under this Scheme or generally for the purpose of implementing this Scheme."

19. After paragraph 31 of the Scheme, the following new paragraphs shall be inserted namely:—

- 31A. *Transfer of accumulations from other provident funds of coal mines.*—(1) Where an employee who is a subscriber to any provident fund of the coal mine in which he is employed becomes a member of the Fund he shall, if he had not withdrawn his accumulations in that provident fund before 1st April, 1966, apply in such form and in such manner as the Commissioner may specify, for transfer of his accumulations in the provident fund of the coal mine standing to his credit to the Fund.
- (2) The Commissioner or, where so authorised by him, any officer subordinate to him shall, on receipt of an application under sub-paragraph (1), call upon the employer or the authority administering the provident fund of the coal mine, as the case may be, to transfer to the Fund the accumulations of the member under sub-section (1) of section 3-D of the Act.
- (3) The employer or the authority called upon to transfer a member's accumulations under sub-paragraph (2) shall, within 3 months from being called upon, transfer to the Fund all contributions of the member and of the employer on his behalf paid or payable till the date of the member's joining the Fund or, till the date of his leaving service of the coal mine to which that provident fund relates whichever is earlier, together with all accretions and interest upto the end of the month preceding the month in which the accumulations are transferred to the Fund.
- (4) Any amount required to be transferred to the Fund under sub-paragraph (3) shall be paid to the Fund by means of account-payee cheques or bank drafts drawn in favour of the Coal Mines Provident Fund Account No. 1 or, as the case may be, by transferring to the Board any Central Government securities in which accumulations of the provident fund may have been invested.
- (5) Where any payment under sub-paragraph (4) is made by an outstation cheque, the Bank collection charges thereon shall be paid by the Fund out of its Reserve Account referred to in sub-paragraph (4) of paragraph 63.
- (6) Where any payment under sub-paragraph (4) is made by transferring Central Government securities, such securities shall be acceptable by the Fund at their cost price, provided the cost price does not exceed the face value thereof and where the cost price exceeds the face value, the securities shall be accepted at their face value.
- (7) The employer or the authority making any payment under sub-paragraph (3) shall, within 15 days of the payment, submit a statement in such form and in such manner as the Commissioner may specify showing the amount of member's contribution, employer's contribution and interest transferred to the Fund for each member along with written acceptances of the concerned members confirming that the amount transferred has been accepted by them as correct.
- (8) A receipt granted by the Commissioner or, where so authorised by him, by any officer subordinate to him for the accumulations transferred to the Fund shall be a sufficient discharge of the liability of the employer or the authority making the transfer under sub-paragraph (3) to the extent of the amount transferred and the members whose accumulations are transferred shall not be required to give any letter of discharge or receipt for such amounts.
- (9) Any amount transferred to the Fund under sub-paragraph (3) for a member shall be credited to his account in the Fund and shall thereafter be treated as his accumulations in the Fund for all purposes of this Scheme.

- (10) Any accumulations transferred under sub-paragraph (3) for a member shall be deemed to be his contributions for the currency period in which the amount is received in the Fund and such contributions shall, notwithstanding the provisions contained in paragraph 61, earn interest in the Fund from the beginning of the month immediately following the month in which the amount is received in the Fund.
- 31B. *Transfer of accumulations from provident funds of establishments other than coal mines.*—(1) Where an employee who is a subscriber to any provident fund of an establishment, not being a coal mine to which this scheme applies, leaves his employment in that establishment and obtains re-employment in a coal mine and becomes a member of the Fund, he may, if he so desires, apply in such form and in such manner as the Commissioner may specify, for the transfer of his accumulations in the provident fund of the establishment to the Fund.
- (2) On receipt of an application under sub-paragraph (1) the Commissioner or, where so authorised by him, any other officer subordinate to him shall ascertain from the authority administering the provident fund to which the member was subscribing prior to his joining the Fund whether the rules of that Provident Fund permit the desired transfer.
- (3) Where the rules of the provident fund to which the member was subscribing before joining the Fund permit the desired transfer, the Commissioner or, where so authorised by him, any other officer subordinate to him shall call upon the authority administering that provident fund to transfer to the Fund the member's accumulations in that provident fund. Where an authority administering a provident fund has been called upon to transfer a member's accumulations under this sub-paragraph, the provisions contained in sub-paragraphs (3) to (10) of paragraph 31A shall apply in the same manner as if the provident fund from which accumulations are to be transferred was that of a coal mine.
- 31C. *Transfer of accumulations from the Fund to other provident funds.*—(1) Where a member of the Fund leaves his employment in a coal mine and obtains re-employment in any other establishment, not being a coal mine to which this Scheme applies, and becomes a subscriber to any provident fund of that establishment he may, if he so desires, apply in such form and manner as the Commissioner may specify for the transfer of his accumulations in the Fund to the provident fund of the establishment in which he is re-employed (hereinafter referred to as the new establishment).
- (2) On receipt of an application under sub-paragraph (1) the Commissioner or, where so authorised by him, any officer subordinate to him shall ascertain from the authority administering the provident fund of the new establishment whether the rules of the provident fund of the new establishment permit acceptance of accumulations transferred from other provident funds.
- (3) Where the rules of the provident fund of the new establishment permit acceptance of the transferred accumulations, the Commissioner or, where so authorised by him, any officer subordinate to him shall transfer the amount standing to the credit of the member in the Fund together with interest upto the end of the month preceding the month in which the transfer is effected, and shall send to the authority administering the provident fund of the new establishment a statement in such form as the Commissioner may specify showing the amount of member's contribution, employer's contribution and interest transferred.
- (4) The transfer of accumulations under sub-paragraph (3) shall be made by means of an account-payee cheque in favour of the authority administering the provident fund to which the amount is transferred and in the event of any Bank collection charges being demanded by the authority administering the provident fund of the new establishment the same shall be paid out of the Reserve Account of the Fund referred to in sub-paragraph (4) of paragraph 63.



- (5) The receipt granted by the authority administering the provident fund to which any amount is transferred under this paragraph shall be a sufficient discharge of the liability of the Fund to the member whose accumulations are transferred to the extent of the amount transferred."

20. Paragraph 70 of the Scheme shall be omitted.

[No. 2(480)/66-PF-I.]

N. N. CHATTERJEE, Jt. Secy.